

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-14 remain in the application. Claims 1, 6, 10, and 14 have been amended.

In item 1 on page 2 of the above-identified Office action, the drawings have been objected to for the following reasons.

More specifically, the Examiner has stated that the specification designates the reference numeral "5" to be a base plate and reference numeral "6" to be a retaining plate and the drawings show arrows of reference number 5 and 6 to be pointed to a center circular cylinder. Reference numeral 5 has two lead lines the bottom lead line is proper and is directed to a cylindrical region that includes a flange that extends out to the plug 4. Accordingly, it is believed that the reference numeral "5" appropriately designates a base plate. The top lead line is directed to a cylindrical region of the reel body 2 accordingly, the reference numeral has been changed and the upper lead line is now directed to reference numeral "2". Therefore, the objections to the drawings by the Examiner pertaining to reference numeral "5" are believed to have been overcome. Regarding reference numeral "6", it is

noted that two reference numerals "6" were shown in Fig. 1. The reference numeral "6" on the right hand side of the drawing was deleted and the reference numeral "6" on the left side of the drawing has been maintained and is clearly directed to a retaining plate. Therefore, the objection to the drawings regarding reference numeral "6" by the Examiner is believed to have been overcome.

In item 3 on page 3 of the Office action, claims 1, 3, 5-6, 8, 10, and 12-14 have been rejected as being obvious over Rode et al. (DE 38 13 824 A1) (hereinafter "Rode") in view of Jacobsen et al. (U.S. Patent No. 4,483,330 A) (hereinafter "Jacobsen") under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references. However, claims 1, 6, 10, and 14 have been amended to correct the incorrect limitation pertaining to mounting with the elastic elements. More specifically, in the last paragraph of each of the independent claims, the reel body has been replaced with braking coulisse. This corresponds with the dependent claims 2, 7, and 11 that limit the independent claim between the two options of the independent claims (the base plate and braking coulisse). It

is applicant's position that this amendment does not broaden the claims nor does it change the scope of the claims since the Examiner's rejection pertained to the option of providing the elastic elements between the base plate and the receiving body and the fact that claims 2, 7, and 11 (pertaining to the elastic elements being disposed between the braking coulisse and the receiving body) were indicated as being allowable.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1, 6, 10, and 14 call for, *inter alia*:

elastic elements for mounting at least one of the base plate and the braking coulisse in a vacuum cleaner.

The Rode reference discloses a brake for an installed drum of a vacuum cleaner. The brake includes a braking band (8), a frictional element (9), a centrifugal weight (10), a thrust washer (11), a pinion gear (13) and a brake reel (7). Rode discloses that the brake constantly brakes the drum when the cord is being retracted dependent on the length of unwound cord or the speed of the rotating drum.

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Applicants agree with the Examiner's comments on page 3 of the Office action, that the Rode reference does not disclose elastic elements for mounting one of the base plate and the reel body in a receiving body.

Applicants respectfully disagree with the Examiner's comments on page 3 of the Office action, that the Rode reference discloses a braking coulisse (6) moveable in a radial direction with respect to the base plate. The reference numeral (6) in Rode is a flange of the cable drum (1). As can be seen from Ruckwied (U.S. Patent No. 6,773,152), a coulisse is a configuration that has a pin guided in a slot (Fig. 3, items 64 and 66). Accordingly, neither the flange (6) nor any other components of Rode can be considered a braking coulisse. Therefore, the Rode reference does not disclose a braking coulisse, as suggested by the Examiner.

The Jacobsen reference discloses a constant tension traction device having caps (74 and 76). The caps (74 and 76) are friction bearings for rotationally mounting an axle (64) in mounting plates (68 and 70), so that the axle (64) rotates within the caps (74 and 76) (column 3, lines 58-61).

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest elastic elements for mounting at least one of the base plate and the braking coulisse in a vacuum cleaner, as recited in claims 1, 6, 10, and 14 of the instant application.

As correctly stated by the Examiner, the Rode reference does not disclose elastic element. Furthermore, as can be seen from the above-given comments, the Rode reference does not disclose a braking coulisse. This is contrary to the invention of the instant application as claimed, in which elastic elements are provided for mounting at least one of the base plate and the braking coulisse in a vacuum cleaner.

The Jacobsen reference does not disclose a braking coulisse. Furthermore, the Jacobsen reference discloses friction bearings (74 and 76). The Jacobsen reference does not disclose elastic elements mounting one of a base plate and a braking coulisse in a receiving body. This is contrary to the invention of the instant application as claimed, in which elastic elements are provided for mounting at least one of the base plate and the braking coulisse in a vacuum cleaner.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Furthermore, applicants respectfully disagree with the Examiner's comments on page 3 of the Office action, that it would have been obvious for a person of ordinary skill in the art at the time of the invention to include the use of "elastic elements for mounting at least one of said base plate and said reel body in a receiving body" in his advantageous cable reel as taught by Jacobsen in order to provide for shock absorbing means in the cable reel. In the instant application the elastic members are provided between two non-rotating parts (either the braking coulisse and the receiving body or the base plate and the receiving body). Jacobsen discloses that the axle (64) rotates within the caps (74 and 76). The Jacobsen reference does not disclose that the caps (74 and 76) are elastic. To realize a friction bearing according to the teaching of Jacobsen, the caps (74 and 76) in Jacobsen have to be hard to achieve low friction forces. A person of ordinary skill in the art would avoid providing the caps (74 and 76) out of an elastic material having a high coefficient of friction. Moreover, the brake disclosed by Rode brakes the drum the entire time the cord is being retracted dependent on

the length of cable to be wound or the speed of the drum. Therefore, the braking done by the brake disclosed in Rode is continuous and there is no shock to be absorbed. Therefore the Examiner's comments with regard to the motivation based on shock absorption are not accurate. Based on the above-provided reasons, applicants respectfully disagree with the Examiner's comments that that it would have been obvious for a person of ordinary skill in the art at the time of the invention to include the use of "elastic elements for mounting at least one of said base plate and said reel body in a receiving body" in his advantageous cable reel as taught by Jacobsen in order to provide for shock absorbing means in the cable reel.

Based on the above-given arguments, claims 1, 6, 10, and 14 are believed to be allowable over Rode in view of Jacobsen. Since claims 1, 6, 10, and 14 are believed to be allowable, dependent claims 3, 5, 8, 12, and 13 are believed to be allowable as well.

It is appreciatively noted from item 4 on page 4 of the Office action, that claims 2, 4, 7, 9, 11, and 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since the claims are believed to be allowable in their

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existing form, the claims have not been amended in this manner.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 6, 10, or 14.

Claims 1, 6, 10, and 14 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1, 6, or 10, they are believed to be patentable as well.

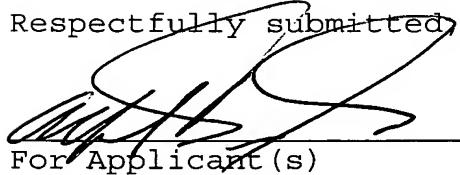
In view of the foregoing, reconsideration and allowance of claims 1-14 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &  
Greenberg P.A., No. 12-1099.

Respectfully submitted  
  
For Applicant(s)

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AKD:cgm

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Drawing Amendments

The attached sheet of drawings includes changes to Fig. 1. This sheet which includes Fig. 1, replaces the original sheet including Fig. 1. In Fig. 1, the extraneous reference symbol "6" was deleted. The reference numeral "2" was added on the right hand side of the drawing.

Please approve the drawing changes that are marked in red on the accompanying "Annotated Sheet Showing Changes" of Fig(s).

1. A formal "Replacement Sheet" of amended Fig. 1 is also enclosed.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes



Fig. 1

